

AMENDED IN ASSEMBLY APRIL 11, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1057

Introduced by Assembly Member De La Torre

February 22, 2005

An act to amend ~~Sections 52616, 52616.23, and Section 60850 of, and to repeal~~ *amend, repeal, and add Section 60853 of, and to add Section 52616.25 to*, the Education Code, relating to adult education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1057, as amended, De La Torre. Adult education: ~~funding high school exit examination.~~

(1) Existing law requires the Superintendent of Public Instruction to determine an adult block entitlement for a school district that maintains an education program for adults, to be deposited in a separate fund of the school district known as the adult education fund.

~~Existing law requires the Superintendent to develop criteria to identify programmatic areas of adult education that are in need of expansion. Existing law provides an opportunity for a school district to apply for additional units of adult education average daily attendance to meet identified local needs of expansion, and provides that additional units result in a new limit of adult education average daily attendance.~~

~~This bill would require that moneys remaining unencumbered in the adult education fund of a school district at the end of a fiscal year revert back to the Superintendent, for reallocation to school districts to fund programmatic areas of adult education that are in need of expansion. The bill would delete those provisions relating to the application for additional units of adult education average daily~~

~~attendance to meet those programmatic areas of adult education that are in need of expansion.~~

~~(2)~~ Existing law requires, commencing with the 2003–04 school year, that a pupil completing grade 12 successfully pass a high school exit examination as a condition of receiving a diploma of graduation or a condition of graduation from high school. Existing law requires that the exit examination be offered to individuals with exceptional needs, and that individuals with exceptional needs be administered the exit examination with appropriate accommodations, where necessary. Existing law defines accommodations as including variations in scheduling, setting, aids, equipment, and presentation format. Existing law, in order to prepare pupils to succeed on the exit examination, requires a school district to use regularly available resources, and any available supplemental remedial resources.

This bill would require that the exit examination be offered to a person regularly enrolled in an adult education program, and would authorize a school district to administer the test on a Saturday, and other times and locations convenient for a person regularly enrolled in an adult education program, thus imposing a state-mandated local program. The bill would also authorize a school district to prepare an adult who has completed all high school graduation requirements except passing the exit examination, to succeed on the exit examination. The bill would require a school district to use resources from the adult education fund of the school district for those purposes. *The bill would provide that remediation instruction provided to pupils for those purposes is not to be counted against an adult block entitlement. The bill would also require the Superintendent to send a written notification to a school district that it may offer supplemental instruction for those purposes, as specified.*

The bill would require the Superintendent to identify state and federal funding sources to supplement adult education finance for the support of career technical education, as specified.

~~(3)~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 52616 of the Education Code is~~
2 ~~amended to read:~~

3 ~~52616. (a) Notwithstanding any other provision of law, the~~
4 ~~Superintendent shall determine an adult block entitlement, to be~~
5 ~~paid from appropriations to Section A of the State School Fund~~
6 ~~as part of the principal apportionment to school districts, for~~
7 ~~those school districts that maintain education programs for adults~~
8 ~~by multiplying the adult education revenue limit per unit of~~
9 ~~average daily attendance determined pursuant to Section~~
10 ~~52616.16 and the adult education average daily attendance~~
11 ~~determined pursuant to Section 52616.17.~~

12 ~~(b) The adult block entitlement shall be deposited in a separate~~
13 ~~fund of the school district to be known as the “adult education~~
14 ~~fund.” Money in an adult education fund shall be expended only~~
15 ~~for adult education purposes. Moneys received for programs~~
16 ~~other than adult education shall not be expended for adult~~
17 ~~education.~~

18 ~~(c) Moneys remaining unencumbered in an adult education~~
19 ~~fund at the end of a fiscal year shall revert back to the~~
20 ~~Superintendent, for reallocation to school districts to fund~~
21 ~~programmatic areas of adult education that are in need of~~
22 ~~expansion identified pursuant to Section 52616.23.~~

23 ~~SEC. 2. Section 52616.23 of the Education Code is amended~~
24 ~~to read:~~

25 ~~52616.23. The Superintendent shall develop criteria to~~
26 ~~identify the programmatic areas of adult education that are in~~
27 ~~need of expansion.~~

28 ~~SEC. 3.~~

29 ~~SECTION 1. Section 60850 of the Education Code is~~
30 ~~amended to read:~~

31 ~~60850. (a) The Superintendent, with the approval of the State~~
32 ~~Board of Education, shall develop a high school exit examination~~
33 ~~in English language arts and mathematics in accordance with the~~

1 statewide academically rigorous content standards adopted by the
2 state board pursuant to Section 60605. To facilitate the
3 development of the examination, the Superintendent shall review
4 any existing high school subject matter examinations that are
5 linked to, or can be aligned with, the statewide academically
6 rigorous content standards for English language arts and
7 mathematics adopted by the state board.

8 (b) The Superintendent, with the approval of the state board,
9 shall establish a High School Exit Examination Standards Panel
10 to assist in the design and composition of the exit examination
11 and to ensure that the examination is aligned with statewide
12 academically rigorous content standards. Members of the panel
13 shall include teachers, administrators, school board members,
14 parents, and the general public. Members of the panel shall serve
15 without compensation for a term of two years and shall be
16 representative of the ethnic and cultural diversity and gender
17 balance of the state. The Superintendent shall also make the best
18 effort to ensure representation of the diversity of the state relative
19 to urban, suburban, and rural areas. The department shall provide
20 staff to the panel.

21 (c) The Superintendent shall require that the examination be
22 field tested before actual implementation to ensure that the
23 examination is free from bias and that its content is valid and
24 reliable.

25 (d) Before the state board adopts the exit examination, the
26 Superintendent shall submit the examination to the Statewide
27 Pupil Assessment Review Panel established pursuant to Section
28 60606. The panel shall review all items or questions to ensure
29 that the content of the examination complies with the
30 requirements of Section 60614.

31 (e) The exit examination prescribed in subdivision (a) shall
32 conform to the following standards or it shall not be required as a
33 condition of graduation:

34 (1) The examination may not be administered to a pupil who
35 did not receive adequate notice as provided for in paragraph (1)
36 of subdivision (f) regarding the test.

37 (2) The examination, regardless of federal financial
38 participation, shall comply with Title VI of the Civil Rights Act
39 (42 U.S.C. Sec. 2000d et seq.), its implementing regulations (34

1 C.F.R. Part 100), and the Equal Educational Opportunities Act of
2 1974 (20 U.S.C. Sec. 1701).

3 (3) The examination shall have instructional and curricular
4 validity.

5 (4) The examination shall be scored as a criterion-referenced
6 examination.

7 (f) For purposes of this section, the following terms have the
8 following meanings:

9 (1) "Accommodations" means any variation in the assessment
10 environment or process that does not fundamentally alter what
11 the test measures or affect the comparability of scores.
12 "Accommodations" may include variations in scheduling,
13 setting, aids, equipment, and presentation format. A variation in
14 scheduling may include administration of the test on a Saturday,
15 and other times and locations convenient for a person regularly
16 enrolled in an adult education program.

17 (2) "Adequate notice" means that the pupil and his or her
18 parent or guardian have received written notice, at the
19 commencement of grade 9, and each year thereafter through the
20 annual notification process established pursuant to Section
21 48980, or if a transfer pupil, at the time the pupil transfers. A
22 pupil who has taken the exit examination in the 10th grade is
23 deemed to have had "adequate notice" as defined in this
24 paragraph.

25 (3) "Curricular validity" means that the examination tests for
26 content found in the instructional textbooks. For the purposes of
27 this section, any textbook or other instructional material adopted
28 pursuant to this code and consistent with the state-adopted
29 curriculum frameworks shall be deemed to satisfy this definition.

30 (4) "Instructional validity" means that the examination is
31 consistent with what is expected to be taught. For the purposes of
32 this section, instruction that is consistent with the state-adopted
33 curriculum frameworks for the subjects tested shall be deemed to
34 satisfy this definition.

35 (5) "Modification" means any variation in the assessment
36 environment or process that fundamentally alters what the test
37 measures or affects the comparability of scores.

38 (g) The examination shall be offered to individuals with
39 exceptional needs, as defined in Section 56026, in accordance
40 with paragraph (17) of subsection (a) of Section 1412 of Title 20

1 of the United States Code and Section 794 and following of Title
2 29 of the United States Code. Individuals with exceptional needs
3 shall be administered the examination with appropriate
4 accommodations, where necessary.

5 (h) The examination shall be offered to a person who is
6 regularly enrolled in an adult education program.

7 (i) This chapter does not prohibit a school district from
8 requiring pupils to pass additional exit examinations approved by
9 the governing board of the school district as a condition for
10 graduation.

11 ~~SEC. 4.~~

12 *SEC. 2.* Section 60853 of the Education Code is amended to
13 read:

14 60853. (a) In order to prepare a pupil to succeed on the exit
15 examination, a school district shall use regularly available
16 resources and any available supplemental remedial resources,
17 including funds available for programs established by Chapter
18 320 of the Statutes of 1998, Chapter 811 of the Statutes of 1997,
19 and funds available for other similar supplemental remedial
20 programs.

21 (b) It is the intent of the Legislature that a school district
22 consider restructuring its academic offerings reducing the
23 electives available to a pupil who has not demonstrated the skills
24 necessary to succeed on the exit examination, so that the pupil
25 can be provided supplemental instruction during the regularly
26 scheduled academic year.

27 (c) A school district should prepare a pupil to succeed on the
28 exit examination. In preparing a pupil to succeed, a school
29 district is encouraged to use existing resources to ensure that all
30 pupils succeed. The state has created programs including the
31 Class Size Reduction Program, staff development programs, after
32 school programs, and others, in addition to providing general
33 purpose funding, in order to assist a school district in providing
34 an education that will help all pupils succeed.

35 (d) This section shall become inoperative on July 1, 2006, and,
36 as of January 1, 2007, is repealed, unless a later enacted statute,
37 that becomes operative on or before January 1, 2007, deletes or
38 extends the dates on which it becomes inoperative and is
39 repealed.

1 ~~SEC. 5.~~

2 ~~SEC. 3.~~ Section 60853 is added to the Education Code, to
3 read:

4 60853. (a) (1) In order to prepare a pupil to succeed on the
5 exit examination, a school district shall use regularly available
6 resources and any available supplemental remedial resources,
7 including funds available for programs established by Chapter
8 320 of the Statutes of 1998, Chapter 811 of the Statutes of 1997,
9 and funds available for other similar supplemental remedial
10 programs.

11 (2) A school district may prepare an adult who has completed
12 all high school graduation requirements except passing the exit
13 examination, to succeed on the exit examination. A school
14 district shall use resources apportioned pursuant to Section 52616
15 for those purposes.

16 (b) It is the intent of the Legislature that a school district
17 consider restructuring its academic offerings reducing the
18 electives available to a pupil who has not demonstrated the skills
19 necessary to succeed on the exit examination, so that the pupil
20 can be provided supplemental instruction during the regularly
21 scheduled academic year.

22 (c) A school district should prepare a pupil to succeed on the
23 exit examination. In preparing a pupil to succeed, a school
24 district is encouraged to use existing resources to ensure that all
25 pupils succeed. The state has created programs including the
26 Class Size Reduction Program, staff development programs, after
27 school programs, and others, in addition to providing general
28 purpose funding, in order to assist a school district in providing
29 an education that will help all pupils succeed.

30 (d) (1) *It is the intent of the Legislature that a school district*
31 *utilize all available resources to provide appropriate remediation*
32 *instruction to a pupil at risk of not passing the exit examination.*

33 (2) *The Superintendent shall, by March 1, 2006, send a written*
34 *notification to a school district indicating that a school district*
35 *may utilize adult education instructors to provide supplemental*
36 *instruction pursuant to Section 37252, for the purpose of*
37 *providing remediation instruction to at-risk high school pupils*
38 *that have not passed the exit examination.*

1 (e) Remediation instruction provided pursuant to this section
2 shall not be counted against an adult block entitlement
3 determined pursuant to Section 52616.

4 ~~(d)~~

5 (f) This section shall become operative on July 1, 2006.

6 SEC. 4. Section 52616.25 is added to the Education Code, to
7 read:

8 52616.25. The Superintendent, in cooperation with the
9 Secretary for Education and the Employment Training Panel,
10 shall identify state and federal funding sources to supplement
11 adult education finance in order to fund career technical
12 education in fields that are identified as having significant
13 personnel shortages but where the costs of instruction
14 significantly exceed available adult education resources.

15 ~~SEC. 6.~~

16 SEC. 5. If the Commission on State Mandates determines that
17 this act contains costs mandated by the state, reimbursement to
18 local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.